

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

7.089 ACRES OF LAND, MORE OR LESS,
SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND PAULA
OCHOA, *et al.*,

Defendants.

CASE NO. 7:20-CV-156

UNITED STATES OF AMERICA'S STATUS REPORT

Pursuant to the Court’s July 22, 2021 Order,¹ the United States of America (“United States”) files this Status Report as to the status of the case because settlement documents have not been filed and informs the Court as follows:

1. On June 12, 2020, the United States filed a Complaint in Condemnation² and Declaration of Taking³ pursuant to 40 U.S.C. §§ 3113 and 3114 for the taking of a fee simple interest in 7.089 acres of land, more or less, being out of a calculated 39.586 acres located in Hidalgo County, Texas, identified as Tract RGV-MCS-2026-1 (hereinafter referred to as the “Subject Property”). The interest and property are more particularly described at Schedules “C”, “D”, and “E” of the Declaration of Taking.⁴

¹ Dkt. No. 92.

² Dkt. No. 1.

³ Dkt. No. 2.

⁴ Dkt. No. 2-1.

2. On June 25, 2020, the United States deposited \$45,627.00 into the Registry of the Court as estimated just compensation for the fee taking of the Subject Property.⁵ Pursuant to 40 U.S.C. § 3114(b)(1), the filing and the deposit immediately vested title to the Subject Property in the United States.

3. On July 20, 2021, the United States appeared for a status conference and informed the Court that all parties were agreed regarding just compensation. All parties remain in agreement at this time.

4. On July 22, 2021, the Court issued an Order⁶ ordering the United States to file a status report by August 30, 2021 and to appear for a status conference at 10:00 a.m. on Thursday, September 9, 2021 unless dismissal documents are filed before that date.

5. On August 2, 2021, the United States filed an Advisory⁷ with the Court informing the Court that Defendant Paula Ochoa died intestate on July 20, 2021 survived only by her biological daughter, Marta Alicia Alejandro.

6. On August 10, 2021, the United States filed an Unopposed Motion to Substitute Party Defendant⁸ seeking to substitute Marta Alicia Alejandro as a Defendant in this case for an in place of Defendant Paula Ochoa. This motion remains pending before the Court.

7. As stated above, all parties remain in agreement regarding the just compensation in this case; however, the United States has not yet obtained settlement documents because the Court's ruling on the Unopposed Motion to Substitute Party Defendant could impact the just compensation

⁵ Dkt. No. 5.

⁶ Dkt. No. 92.

⁷ Dkt. No. 96.

⁸ Dkt. No. 97.

due to the parties in this case.⁹ Accordingly, the United States intends to circulate settlement documents for signature immediately after receiving the Court's ruling on the pending motion.

8. The United States remains confident that this matter will be resolved with all parties. The United States would therefore request that the Court grant the parties an additional 45 days after it rules on the pending motion so that the United States may obtain signed settlement documents from all parties in the case. This will allow sufficient time for the new party, if substituted in, to be properly served, and for the United States to obtain settlement documents from all Defendants.

Respectfully submitted,

JENNIFER B. LOWERY
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By: *s/ Roland D. Ramos*
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CERTIFICATE OF SERVICE

I, Roland D. Ramos, Assistant United States Attorney for the Southern District of Texas, hereby certify that on August 30-31, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: *s/ Roland D. Ramos*
ROLAND D. RAMOS
Assistant United States Attorney

⁹ Should the Court grant the motion, each parties' share will remain the same and Marta Alicia Alejandro will receive the share that previously would have gone to Defendant Paula Ochoa. Should the Court deny the motion, however, Defendant Paula Ochoa's share will be divided among all parties in this case pursuant to Texas intestacy laws. *See* Tex. Est. Code § 201.001(e).